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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ADDY, ANTHONY S	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/688,157	MANGAL ET AL.	
	Examiner	Art Unit	
	ANTHONY S. ADDY	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7-13 and 15-24* is/are rejected.

7)☒ Claim(s) *6 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on March 10, 2009. **Claims 1-24** are pending in the present application.

Response to Arguments

2. Applicant's arguments, see pages 2-5, filed on March 10, 2009, with respect to the rejection(s) of claim(s) 1-24 under Final have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Plaschke et al., U.S. Patent Number 6,023,62.**

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-5, 8 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Connor, U.S. Publication Number 2004/0002339 A1 (hereinafter O'Connor)** and further in view of **Plaschke et al., U.S. Patent Number 6,023,62 (hereinafter Plaschke).**

Regarding claim 1 , O'Connor teaches in a wireless communication system (see Fig. 1) adapted to provide communication services to multiple mobile stations (*e.g. wireless handsets 12*) within a given coverage area (see p. 3 [0049] and Fig. 1), wherein the system dynamically allocates radio frequency bandwidth among the mobile stations according to a bandwidth allocation algorithm (see p. 2 [0021] and p. 4 [0057] [*i.e. the teaching of O'Connor that radio frequency bandwidth is dynamically allocated based on the number of mobile devices that has*

stopped or restarted transmitting traffic on the network equates to the limitations of "the .system dynamically allocates radio frequency bandwidth among the mobile stations according to a bandwidth allocation algorithm," since the allocated bandwidth on the network obviously has an associated allocation algorithm that is based on the number of mobile devices that has stopped or restarted transmitting traffic on the network]), and wherein the radio frequency bandwidth is used to send voice or data traffic to the mobile stations as part of providing the communication services to the mobile stations (see p. 3 [0052] and p. 4 [0057-0058]), a method comprising:

determining a number of active mobile stations that are concurrently operating in the given coverage area (see p. 3 [0052]).

O'Connor fails to explicitly teach determining that the number of active mobile stations exceeds a threshold and responsively changing the bandwidth allocation algorithm, so as to change how the system dynamically allocates the radio frequency bandwidth among the mobile stations.

In an analogous field of endeavor, Plaschke teaches a dynamic channel allocation system that takes into consideration fluctuations of a traffic load and activates the algorithm which provides the best performance (among the available algorithms) for current load and its distribution over the network (see col. 12, lines 41-45). According to Plaschke the multi-algorithm dynamic channel allocation consists of several allocation algorithms residing at the same time in the MSC of a cellular network, and an algorithm becomes active in the network when the actual <u>*measured traffic*</u> and interference conditions indicate that this algorithm would provide the best performance in comparison to the other algorithms implemented in the MSC (see col. 17, lines 26-34 and fig. 7). For example, Plaschke teaches the MSC periodically sends a

Measure Average Hourly Offered Load message to all base stations, receives Offered Load Update messages from base stations, and determines if the *load values have changed* since the previous measurement (see col. 12, lines 48-58). According to Plaschke, if the MSC determines the load values have changed and decides if it is necessary to activate another channels algorithm, the MSC provides a smooth transition from the current to new algorithm (see col. 12, lines 59-64 and col. 17, line 46 through col. 18, line 13). One of ordinary skill in the art further recognizes the measured *traffic load* of the system is very well known in the art to be directly related to a threshold number of active users being provided communications services in the system, and since Plaschke teaches the MSC transitions (i.e. changes/switches) from one allocation algorithm to another allocation algorithm based on the measured traffic load, it would have been obvious to incorporate the teachings of Plaschke to the system of O' Connor to meet the features of "determining that the number of active mobile stations exceeds a threshold and responsively changing the bandwidth allocation algorithm, so as to change how the system dynamically allocates the radio frequency bandwidth among the mobile stations."

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Connor with Plaschke, in order to provide a significant increase in the overall network throughput since the most superior available resource allocation algorithm is selected based on an actual traffic load of a system as taught by Plaschke (see col. 2, lines 15-20 and col. 18, lines 14-18).

Regarding claim 2, O'Connor in view of Plaschke teaches all the limitations of claim 1. O'Connor in view of Plaschke further teaches a computer readable medium having stored therein

instructions for causing a processor to execute the method of claim 1 (see *O'Connor*, p. 5 [0077]).

Regarding claim 20, O'Connor teaches a wireless communication system (see Fig. 1) comprising:

a base station (*wireless base station 10*), having an antenna arrangement for communication over an air interface with a plurality of mobile stations (*e.g. wireless handsets 12*) in a given coverage area (see p. 3 [0049] and Fig. 1), wherein the base station dynamically allocates bandwidth to the mobile stations according to a bandwidth allocation algorithm (see p. 2 [0021] and p. 4 [0057] [*i.e., the teaching of O'Connor that radio frequency bandwidth is dynamically allocated based on the number of mobile devices that has stopped or restarted transmitting traffic on the network equates to the limitations of "the system dynamically allocates radio frequency bandwidth among the mobile stations according to a bandwidth allocation algorithm," since the allocated bandwidth on the network obviously has an associated allocation algorithm that is based on the number of mobile devices that has stopped or restarted transmitting traffic on the network]*), and

program logic, stored in data storage and executable on a processor (see p. 5 [0077]), to determine that a number of active mobile stations are operating concurrently operating in the given coverage area (see p. 3 [0052]).

O'Connor fails to explicitly teach changing the bandwidth allocation algorithm based on the number, so as to change how the system dynamically allocates the radio frequency bandwidth among the active mobile stations.

In an analogous field of endeavor, Plaschke teaches a dynamic channel allocation system that takes into consideration fluctuations of a traffic load and activates the algorithm which provides the best performance (among the available algorithms) for current load and its distribution over the network (see col. 12, lines 41-45). According to Plaschke the multi-algorithm dynamic channel allocation consists of several allocation algorithms residing at the same time in the MSC of a cellular network, and an algorithm becomes active in the network when the actual *measured traffic* and interference conditions indicate that this algorithm would provide the best performance in comparison to the other algorithms implemented in the MSC (see col. 17, lines 26-34 and fig. 7). For example, Plaschke teaches the MSC periodically sends a Measure Average Hourly Offered Load message to all base stations, receives Offered Load Update messages from base stations, and determines if the *load values have changed* since the previous measurement (see col. 12, lines 48-58). According to Plaschke, if the MSC determines the load values have changed and decides if it is necessary to activate another channels algorithm, the MSC provides a smooth transition from the current to new algorithm (see col. 12, lines 59-64 and col. 17, line 46 through col. 18, line 13). One of ordinary skill in the art further recognizes the measured *traffic load* of the system is very well known in the art to be directly related to a threshold number of active users being provided communications services in the system, and since Plaschke teaches the MSC transitions (i.e. changes/switches) from one allocation algorithm to another allocation algorithm based on the measured traffic load, it would have been obvious to incorporate the teachings of Plaschke to the system of O' Connor to meet the features of "determining that the number of active mobile stations exceeds a threshold and

responsively changing the bandwidth allocation algorithm, so as to change how the system dynamically allocates the radio frequency bandwidth among the mobile stations."

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Connor with Plaschke, in order to provide a significant increase in the overall network throughput since the most superior available resource allocation algorithm is selected based on an actual traffic load of a system as taught by Plaschke (see col. 2, lines 15-20 and col. 18, lines 14-18).

Regarding claims 3, 4, 5, 21, 22 and 23, O'Connor in view of Plaschke teaches all the limitations of claims 1 and 20. The combination of O'Connor in view of Plaschke fails to explicitly teach switching the bandwidth allocation algorithm to a maximum-aggregate-traffic algorithm, common-data-throughput algorithm or a common-power algorithm. However, it would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and system of O'Connor and Plaschke to include, switching the bandwidth allocation algorithm to a maximum-aggregate-traffic algorithm, common-data-throughput algorithm or a common-power algorithm, since Plaschke teaches a multi-algorithm dynamic channel allocation consists of several allocation algorithms residing at the same time in the MSC of a cellular network, and an algorithm becomes active in the network when the actual *measured traffic* and interference conditions indicate that this algorithm would provide the best performance (e.g. maximize throughput) in comparison to the other algorithms implemented in the MSC (see Plaschke, col. 17, lines 26-34, col. 18, lines 14-19 and fig. 7), in order to provide a significant increase in the overall network throughput since the most superior available resource

allocation algorithm is selected based on an actual traffic load of a system as taught by Plaschke (see col. 2, lines 15-20 and col. 18, lines 14-18).

Regarding claims 8 and 24, O'Connor in view of Plaschke teaches all the limitations of claims 1 and 20. O'Connor in view of Plaschke further teaches a system, wherein the base station uses CDMA to communicate over an air interface with the mobile stations, and wherein the mobile stations are mobile phones (see O'Connor, p. 3 [0049] and Fig. 1 and Plaschke, col. 1, lines 25-30),

5. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Connor, U.S. Publication Number 2004/0002339 A1 (hereinafter O'Connor)** and in view of **Plaschke et al., U.S. Patent Number 6,023,62 (hereinafter Plaschke)** and further in view of **Choi et al., U.S. Patent Number 6,724,740 (hereinafter Choi).**

Regarding claim 9, O'Connor teaches in wireless network adapted to provide communication services concurrently to multiple stations (*e.g. wireless handsets 12*) operating within a given coverage area (see p. 3 [0049] and Fig. 1), a method comprising: determining that a threshold number of mobile stations being provided communication services are concurrently operating in a given coverage area (see p. 3 [0052]).

O'Connor fails to explicitly teach responsively changing a bandwidth allocation algorithm for the mobile stations being provided communication services in the given coverage area, wherein the bandwidth allocation algorithm is used to allocate a forward supplemental channel among the mobile stations and wherein the forward supplemental channel is used to send

voice or data traffic from a base station to the mobile stations as part of providing the communication services.

In an analogous field of endeavor, Plaschke teaches a dynamic channel allocation system that takes into consideration fluctuations of a traffic load and activates the algorithm which provides the best performance (among the available algorithms) for current load and its distribution over the network (see col. 12, lines 41-45). According to Plaschke the multi-algorithm dynamic channel allocation consists of several allocation algorithms residing at the same time in the MSC of a cellular network, and an algorithm becomes active in the network when the actual *measured traffic* and interference conditions indicate that this algorithm would provide the best performance in comparison to the other algorithms implemented in the MSC (see col. 17, lines 26-34 and fig. 7). For example, Plaschke teaches the MSC periodically sends a Measure Average Hourly Offered Load message to all base stations, receives Offered Load Update messages from base stations, and determines if the *load values have changed* since the previous measurement (see col. 12, lines 48-58). According to Plaschke, if the MSC determines the load values have changed and decides if it is necessary to activate another channels algorithm, the MSC provides a smooth transition from the current to new algorithm (see col. 12, lines 59-64 and col. 17, line 46 through col. 18, line 13). One of ordinary skill in the art further recognizes the measured *traffic load* of the system is very well known in the art to be directly related to a threshold number of active users being provided communications services in the system, and since Plaschke teaches the MSC transitions (i.e. changes/switches) from one allocation algorithm to another allocation algorithm based on the measured traffic load, it would have been obvious to incorporate the teachings of Plaschke to the system of O' Connor to meet

the features of "determining that the number of active mobile stations exceeds a threshold and responsively changing the bandwidth allocation algorithm, so as to change how the system dynamically allocates the radio frequency bandwidth among the mobile stations."

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Connor with Plaschke, in order to provide a significant increase in the overall network throughput since the most superior available resource allocation algorithm is selected based on an actual traffic load of a system as taught by Plaschke (see col. 2, lines 15-20 and col. 18, lines 14-18).

Although, O'Connor in view of Plachke fails to explicitly teach the allocation algorithm is used to allocate a forward supplemental channel among the mobile stations and wherein the forward supplemental channel is used to send voice or data traffic from a base station to the mobile stations as part of providing the communication service, one of ordinary skill in the art recognizes that such features are very well known in the art as taught for example by Choi.

In an analogous field of endeavor, Choi teaches a CDMA communication system wherein a forward supplemental channel is allocated among mobile stations and wherein the forward supplemental channel is used to send voice or data traffic from a base station to the mobile stations as part of providing the communication service (see col. 31, lines 12-36 and col. 32, lines 44-50).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Connor and Plaschke with Choi to include a method of allocating a forward supplemental channel among the mobile stations and wherein the forward supplemental channel is used to send voice or data traffic from a base station to the mobile stations as part of

providing the communication service, in order to allocate an exclusive dedicated channel such as a forward supplemental channel for communication between a base station and a mobile terminal as taught by Choi (see col. 4, lines 19-35).

Regarding claim 10, the combination of O'Connor, Plaschke and Choi teaches all the limitations of claim 9. The combination of O'Connor, Plaschke and Choi further teaches a computer readable medium having stored therein instructions for causing a processor to execute the method of claim 9 (see *O'Connor*, p. 5 [0077]).

Regarding claims 11, 12, 13, the combination of O'Connor, Plaschke and Choi teaches all the limitations of claim 9. The combination of O'Connor, Plaschke and Choi fails to explicitly teach switching the bandwidth allocation algorithm to a maximum-aggregate-traffic algorithm, common-data-throughput algorithm or a common-power algorithm. However, it would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and system of O'Connor, Plaschke and Choi to include, switching the bandwidth allocation algorithm to a maximum-aggregate-traffic algorithm, common-data-throughput algorithm or a common-power algorithm, since Plaschke teaches a multi-algorithm dynamic channel allocation consists of several allocation algorithms residing at the same time in the MSC of a cellular network, and an algorithm becomes active in the network when the actual *measured traffic* and interference conditions indicate that this algorithm would provide the best performance (e.g. maximize throughput) in comparison to the other algorithms implemented in the MSC (see Plaschke, col. 17, lines 26-34, col. 18, lines 14-19 and fig. 7), in order to provide a significant increase in the overall network throughput since the most superior available resource

allocation algorithm is selected based on an actual traffic load of a system as taught by Plaschke (see col. 2, lines 15-20 and col. 18, lines 14-18).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Connor, U.S. Publication Number 2004/0002339 A1 (hereinafter O'Connor)** and in view of **Plaschke et al., U.S. Patent Number 6,023,62 (hereinafter Plaschke)** as applied to claim 1 above, and further in view of **Nee et al., U.S. Patent Number 6,876,857 (hereinafter Nee)**.

Regarding claim 7, O'Connor in view of Plaschke teaches all the limitations of claim 1. O'Connor in view of Plaschke further teaches a method, wherein determining that a threshold number of mobile stations being provided communication services are concurrently operating in the given coverage area (see *O'Connor*, p. 3 [0052]).

The combination of O'Connor and Plaschke fails to explicitly teach determining a current time of day; and using a predictive model to determine that the threshold number of mobile stations are concurrently operating in the given coverage area at the current time of day.

Nee, however, teaches a method and system of efficiently allocating bandwidth within a mobile communication network, wherein a time of day information and historic usage data of mobile devices in the communication network are used to more accurately predict the available bandwidth in contiguous cells (see col. 9, lines 9-35 and Fig. 2A). According to Nee, the current bandwidth allocation for a cell together with a predicted bandwidth usage for the time when the session would be requested from that cell can be combined in a weighted fashion to provide a more accurate prediction of the available bandwidth at some time in the future (see col. 9, lines 34-40).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Connor and Plaschke with Nee to include a method of determining a current time of day; and using a predictive model to determine that the threshold number of mobile stations are concurrently operating in the given coverage area at the current time of day, in order that an estimation of a current bandwidth allocation for a cell together with a predicted bandwidth usage for the time when the session would be requested from that cell can be combined in a weighted fashion to provide a more accurate prediction of the available bandwidth at some time in the future as taught by Nee (see col. 9, lines 34-40).

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Connor, U.S. Publication Number 2004/0002339 A1 (hereinafter O'Connor)** and in view of **Plaschke et al., U.S. Patent Number 6,023,62 (hereinafter Plaschke)** and in view of **Choi et al., U.S. Patent Number 6,724,740 (hereinafter Choi)** as applied to claim 9 above, and further in view of **Nee et al., U.S. Patent Number 6,876,857 (hereinafter Nee)**.

Regarding claim 15, the combination of O'Connor, Plaschke and Choi teaches all the limitations of claim 9. The combination of O'Connor, Plaschke and Choi further teaches a method, wherein determining that a threshold number of mobile stations being provided communication services are concurrently operating in the given coverage area (see *O'Connor*, p. 3 [0052]).

The combination of O'Connor, Plaschke and Choi fails to explicitly teach determining a current time of day; and using a predictive model to determine that the threshold number of mobile stations are concurrently operating in the given coverage area at the current time of day.

Nee, however, teaches a method and system of efficiently allocating bandwidth within a mobile communication network, wherein a time of day information and historic usage data of mobile devices in the communication network are used to more accurately predict the available bandwidth in contiguous cells (see col. 9, lines 9-35 and Fig. 2A). According to Nee, the current bandwidth allocation for a cell together with a predicted bandwidth usage for the time when the session would be requested from that cell can be combined in a weighted fashion to provide a more accurate prediction of the available bandwidth at some time in the future (see col. 9, lines 34-40).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Connor, Plaschke and Choi with Nee to include a method of determining a current time of day; and using a predictive model to determine that the threshold number of mobile stations are concurrently operating in the given coverage area at the current time of day, in order that an estimation of a current bandwidth allocation for a cell together with a predicted bandwidth usage for the time when the session would be requested from that cell can be combined in a weighted fashion to provide a more accurate prediction of the available bandwidth at some time in the future as taught by Nee (see col. 9, lines 34-40).

8. Claim 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Prieto, Jr. et al., U.S. Patent Number 7,002,918 (hereinafter Prieto)** and further in view of **Yahagi et al., U.S. Patent Number 5,428,817 (hereinafter Yahagi).**

Regarding claim 16, Prieto teaches a method for allocating bandwidth among mobile stations (e.g., user terminals 15-30) in a wireless network (5) (see abstract and fig. 1), the method comprising:

determining that an amount of voice or data traffic buffered at a base station for transmission to a mobile station as part of providing a communication services is above a predetermined threshold amount (see col. 5, line 60 through col. 6, line 30); and

responsively increasing an amount of bandwidth allocated to the mobile station for transmitting the voice or data traffic from the base station to the mobile station (see col. 8, lines 4-18).

Prieto fails to explicitly teach determining a number of mobile stations that are concurrently being provided communication services by the wireless network; and determining that the number of mobile stations concurrently being provided communication services by the wireless network is below a predetermined threshold number.

In an analogous field of endeavor, Yahagi teaches a mobile communication system where a service area is divided into a plurality of coverage areas and determining a number of mobile stations that are concurrently being provided communication services by the wireless network; and calculating an amount of traffic channels for the determined number of mobile stations within the coverage area (see col. 2, lines 1-15 and col. 6, lines 60-67).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Prieto with Yahagi to include a method of determining a number of mobile stations that are concurrently being provided communication services by the wireless network, in

order to evenly distribute resources within each of a coverage area to thereby improve the quality of communication within a wireless network as taught by Yahagi (see col. 1, lines 60-64).

Regarding claim 17, Prieto in view of Yahagi teaches all the limitations 16. Prieto in view of Yahagi further teaches a computer readable medium having stored therein instructions for causing a processor to execute the method of claim (see Prieto, col. 4, lines 20-27).

Regarding claim 18, Prieto in view of Yahagi teaches all the limitations 16. Prieto in view of Yahagi further teaches a method, further comprising: determining that an amount of voice or data traffic buffered at a base station for transmission to a mobile station as part of providing a communication services is below a predetermined threshold amount (see col. 3, lines 57-63 and col. 5, line 60 through col. 6, line 30); and responsively decreasing an amount of bandwidth allocated to the mobile station for transmitting the voice or data traffic from the base station to the mobile station (see col. 3, lines 57-63 and col. 8, lines 4-18).

9. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Prieto, Jr. et al., U.S. Patent Number 7,002,918 (hereinafter Prieto)** and in view of **Yahagi et al., U.S. Patent Number 5,428,817 (hereinafter Yahagi)** as applied to claim 16 above, and further in view of **Choi et al., U.S. Patent Number 6,724,740 (hereinafter Choi)**.

Regarding claim 19, Prieto in view of Yahagi teaches all the limitations of claim 16. Prieto in view of Yahagi fails to explicitly teach a method, wherein the wireless network is a CDMA network, wherein responsively increasing the amount of bandwidth allocated to the mobile station comprises increasing an amount of a forward supplemental channel allocated to the mobile station.

In an analogous field of endeavor, Choi teaches a CDMA communication system wherein a forward supplemental channel is allocated among mobile stations and wherein the forward supplemental channel is used to send voice or data traffic from a base station to the mobile stations as part of providing the communication service (see col. 31, lines 12-36 and col. 32, lines 44-50). Furthermore, O'Connor teaches dynamically allocating radio frequency bandwidth based on the number of mobile devices that has stopped or restarted transmitting traffic on the network (see p. 3 [0052] and p. 4 [0057-0058]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Prieto and Yahagi with Choi to include a method, wherein responsively increasing the amount of bandwidth allocated to the mobile station comprises increasing an amount of a forward supplemental channel allocated to the mobile station, in order to allocate an exclusive dedicated channel such as a forward supplemental channel for communication between a base station and a mobile terminal as taught by Choi (see col. 4, lines 19-35).

Allowable Subject Matter

10. Claims 6 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY S. ADDY whose telephone number is (571)272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony S Addy/
Examiner, Art Unit 2617